

JAMES N. ESTERKIN - OSB #81017

Attorney at Law

210 SW Morrison, Suite 600

Portland, OR 97204

Telephone: 503-222-4850

Facsimile: 503-273-8591

Email: jamese@easystreet.net

Attorney for Defendant Shapiro & Sutherland LLC

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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

MEDFORD DIVISION

DENISE AND KENNETH COOK,

Plaintiffs,

vs.

BENEFICIAL OREGON, INC. and
SHAPIRO & SUTHERLAND, LLC

Defendants.

CASE NO. 10-3121-PA

WITNESS LIST OF SHAPIRO AND
SUTHERLAND

1. Kelly Sutherland, 5501 NE 109th Court, Suite N, Vancouver, WA 98662

Mr. Sutherland will testify that he is an attorney at law and that he was appointed as successor trustee to the trust deed at issue in this case. Mr. Sutherland that following his appointment as successor trustee, he executed and recorded a notice of default and election to sell pursuant to ORS 86.700 et sec. He will further testify that he arranged to give notice to appropriate parties of the foreclosure sale, arranged for publication of the trustee's notice of sale, arranged appropriate postponements of the sale date in accordance with his instructions, and ultimately cause the foreclosure sale to occur. He further will testify that following the foreclosure sale, he appropriately executed a trustee's deed to the subject property. He will further authenticate Defense exhibits 201-210.

2. Richard Maggatelli, PO Box 336, Grants Pass, OR 97528

Richard Maggatelli will testify that he is hired by Nationwide Process Service to assist in the foreclosure. He will testify that he was retained to appear as agent for Kelly Sutherland with respect to the trust deed in question. He will testify that he personally appeared at the Josephine County Courthouse to postpone the sale on December 2, 2010, and caused the

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sale to be postponed to December 17, 2010 at 11:00 AM. He will further testify that on December 17, 2010 at 11:00 AM, he further postponed the sale until January 5, 2011. He will testify that on January 5, 2011, he conducted the sale of the property, and that Beneficial Oregon, Inc. was the successful bidder with a credit bid of \$146,015.99. He will further testify that a true copy of the trustee's sale script and sale results is attached as Exhibit 208. He will further testify to completing exhibits 204, 205, 206, and utilized the scripts marked as exhibits 208 and 209 when postponing the foreclosure sale.

3. Vena Sen-Crowe, 1201 SW 12th Ave, Suite 420, Portland, OR 97205

Vena Sen-Crowe will testify that she is employed by Nationwide Process Service, and that it is her job to communicate non-judicial foreclosure sale information and postponement information to sale agents that are hired to conduct such public sales and to postpone sales to another date by public proclamation when necessary. The witness will further testify that she has worked with Richard Maggatelli for the last two years, and that Mr. Maggatelli has been both consistent and prompt in conducting trustee's sales and publically proclaiming the postponement of sales. In all instances he advises whether any interested parties are present and whether any witnesses exist. Mrs. Sen-Crowe will testify that she maintains a separate log associated with the sales. She will testify that on December 17, 2010 she received a communication instructing her to postpone the non-judicial foreclosure sale at issue in this case. She will further testify that she communicated that information to Mr. Maggatelli on December 17, 2010, and that Maggatelli indicated at that time that he was present at the front entrance of the Josephine County Courthouse and that no one was present either inside or outside the courthouse front entrance. She will further testify that on December 17, 2010 at 11:44 AM Maggatelli faxed an executed postponement of trustee's sale script to Nationwide in accordance with the usual business practices of Nationwide. She will further authenticate Defense exhibit 211, and will testify to forwarding exhibits 209 and 210 to Richard Maggatelli.

DATED this 25 day of May 2011.


JAMES N. ESTERKIN - OSB#81017

Attorney for Defendant Shapiro & Sutherland LLC